

### **REMARKS**

Reconsideration of the present rejection of the claims of the patent application is respectfully requested. Claims 1-6, 8-17, and 21-25 are pending in this application. By this amendment, claims 1, 3, 12, 21, and 25 have been amended and new claims 26 and 27 have been added. The undersigned conducted a telephone interview with Examiner Le on October 3, 2006, regarding the Office action. During the interview, the undersigned and the Examiner reviewed the pending claims and rejection in regard to Grasso (USPN 3,620,404) and JP 9-56623 (hereinafter JP '623). The Applicant and the undersigned thank the Examiner for the many courtesies extended during that interview.

#### **Claim Rejection - 35 U.S.C. §112**

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to provide proper antecedent basis for "said tub", as recited in claim 3. Claim 3 has been amended to recite, in part, "said tub skirt is a skirt for a bath tub." The term "tub skirt" has proper antecedent basis.

#### **Claim Rejections- 35 U.S.C. §102(e)**

Claims 1-6, 8-11, 14-16, and 21-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Grasso (USPN 3,620,404) and claims 1-6, 8-9, and 12-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP '623. Applicant respectfully submits that the cited references do not teach each and every element of Applicant's claims, as amended.

#### **Claim 1**

Amended claim 1 recites, in part, "wherein each raised ridge corresponds to a different position of the panel relative to the bracket; and wherein the clips and the raised ridges cooperate to permit bi-directional movement of the panel relative to the bracket." Grasso teaches a ratchet-and-pawl mechanism for permanently securing a cabinet fixture to a subframe by permitting only unidirectional relative movement between the two member (see col. 1, lines 55-59). Thus, Grasso does not teach permitting bi-directional movement of the panel relative to the bracket permitting the panel to be removed from the bracket. JP '623 teaches an outer cover (23)

including male-like engagement projections (19) that mate with female-like receptacle sections (20). The Office action identifies the projections (19) and sections (20) as comprising a plurality of ridges (19a, 19b, 20a, and 20b). As acknowledged by the Office action (see page 4), the projections and sections of JP '623 cooperate to attach the cover (23) to the frame (17) in a single position. Thus, JP '623 does not teach that each raised ridge corresponds to a different position of the panel relative to the bracket, as recited in claim 1, as amended.

Thus, because Grasso and JP '623 do not teach each and every element of independent claim 1, the rejection of claim 1, along with the claims that dependent therefrom, is not supported by the art of record and should be withdrawn.

#### Claim 12

Claim 12 stands rejected as anticipated by JP '623. Amended claim 12 recites, in part, "each one of said plurality of raised ridges corresponds to a different position of the panel relative to the bracket." As discussed above in relation to claim 1, JP '623 does not teach this element, so the rejection of claim 12, along with the claims that depend therefrom, is not supported by the art of record and should be withdrawn.

#### Claim 21

Claim 21 stands rejected as anticipated by Grasso. Amended claim 21 recites, in part, "wherein the panel is bi-directionally movable relative to the bracket." As discussed above in relation to claim 1, Grasso does not teach this element, so the rejection of claim 21, along with the claims that depend therefrom, is not supported by the art of record and should be withdrawn.

#### New claims

New claims 26 and 27 are fully supported by the disclosure and are not anticipated by the prior art of record at least due to their dependency from claims 1 and 12, respectively.

Appl. No. 10/707,876  
Examiner: Huyen D. Le  
Art Unit: 3751

Attorney Docket No.: 21488/04106

**CONCLUSION**

Based on the foregoing remarks, Applicants believe that all of the claims in this case are now in condition for allowance and an indication to that effect is respectfully requested. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this case, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: Oct. 20, 2006

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